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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,617	12/21/2000	Robert E. Bolitsky	54609USA8B.006	3525

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EXAMINER

ZIRKER, DANIEL R

ART UNIT PAPER NUMBER

1771

DATE MAILED: 02/06/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

RD

# Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 12/20/02
- ☐ This action is **FINAL**
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 21-31, 37-41 is/are pending in the application.
- Of the above claim(s) 37-41 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 21-31 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

3. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-25, 27, 29 and 31 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over WO 98/55280. Upon closer inspection, the reference is also believed to anticipate the majority of the claims, for the following reasons. Note particularly the Examiner's earlier discussion of the reference on the first four page lines on page 3 of paragraph No. 4 in Paper No. 4, together with Examples 1-3 and Table 1 and Table 2 on page 27 of the reference, particularly Examples 2 and 3 utilizing a cherry wood veneer surface and a "Hot Press" Treatment. The Examiner respectfully submits that the negative results set forth for Examples 2 and 3 in Table 2 as not being "removable" would each constitute either an inherent anticipation, since a "substantial amount" of adhesive is believed to remain on the veneer assembly, and also since the

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various performance parameters set forth in the claims are believed met because the reference utilizes the same materials as do applicants, or at most would be an obvious optimization to one of ordinary skill.

5. Claims 26, 28 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO -280. The reference is again relied upon substantially as set forth above, with the utilization of such elements as the well known poly(alpha-olefin) adhesives, a paper veneer tape, and the property of the veneer tape as being initially repositionable are each believed to be obvious modifications to one of ordinary skill, in the absence of unexpected results .

6. Claims 21-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over WO -280, substantially for the reasons set forth in paragraph No. 3 of Paper No. 6, together with the following additional observations. As an alternative to the rejections cited above, the Examiner again reiterates his earlier holding of obviousness, despite the fact that the reference does not teach and indeed does not appear to favor applicants' claimed embodiment. Applicants have not amended their claims, and their citation at page 2 line 26 - page 3 line 5 of the reference is not believed to relate to the proposition that the reference teaches that leaving adhesive on the veneer is undesirable. In

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summary, the applicants are not believed to have rebutted the prima facie case.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Zirker whose telephone number is (703) 308-0031. The examiner can normally be reached on Monday-Thursday from 8:30 A.M. to 6:00 P.M. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris, can be reached on (703) 308-2414. The fax phone number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Dzirker:cdc

February 5, 2003

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP 1700

1700

*Daniel Zirker*